

gentleman from Kent if the constitution of the United States does not expressly say that treason against the United States shall consist only in levying war against them?

Mr. CHAMBERS. Yes, sir; and that levying war may be with or without an army. Was not Aaron Burr tried for treason?

Mr. STIRLING. It was charged that he had raised a force for resistance.

Mr. CHAMBERS. But the facts were not proved.

Mr. STIRLING. And he was acquitted because they were not proved.

Mr. CHAMBERS. Any opposition to the constitution is a similar crime. Will the gentleman undertake as a moralist, nay, as a politician, to say that the offence in destroying the government is a whit less by one process than by another?

Mr. STIRLING. We are not trying a question of morals, but of law. It is legal treason, and not moral treason.

Mr. JONES, of Somerset. I ask if it is any more treason for the South to subvert the constitution by force of arms, than it is for President Lincoln with his army to subvert the constitution by force of arms?

Mr. STIRLING. If the gentleman from Kent will allow me—

(The half hour having expired, the hammer fell.)

Mr. MARBURY moved that the gentlemen from Kent (Mr. Chambers) be allowed to proceed.

The motion was not agreed to.

On motion of Mr. EDELEN.

The convention took a recess until eight o'clock, P. M.

EVENING SESSION.

The convention met at 8 o'clock, P. M.

The roll was called, and the following members answered to their names:

Messrs. Goldsborough, President; Abbott, Annan, Audoun, Belt, Billingsley, Blackiston, Bond, Brown, Carter, Crawford, Cunningham, Cushing, Daniel, Davis, of Washington, Dellinger, Dent, Duvall, Earle, Ecker, Edelen, Galloway, Harwood, Hodson, Hopkins, Hopper, Jones, of Somerset, Keefer, Kennard, King, Lee, Marbury, Murkey, Mitchell, Miller, Morgan, Mullikin, Murray, Negley, Nyman, Parker, Parran, Pugh, Purnell, Ridgely, Robinette, Russell, Sands, Smith, of Carroll, Smith, of Worcester, Stirling, Stockbridge, Swope, Sykes, Thruston, Todd, Turner, Wickard, Wooden—59.

On motion of Mr. PARKER,

Ordered, That it be entered upon the journal, that the absence of Mr. Larsh, of Baltimore county, from his seat in the convention is occasioned by the severe illness of a member of his family.

OATH OF OFFICE.

The convention resumed the consideration

of the report of the committee on the elective franchise.

The pending section was the following:

"Sec. 5. Every person elected or appointed to any office of trust or profit under the constitution or laws made pursuant thereto, before he shall enter upon the duties of such office shall take and subscribe the following oath or affirmation: I — do swear (or affirm as the case may be,) that I will support the constitution of the United States, and that I will be faithful and bear true allegiance to the United States and to the State of Maryland, and support the constitution and laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of — according to the constitution and laws of this State, and that since the adoption of the present constitution, I have not in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given; (and if a governor, senator, member of the house of delegates or judge,) that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as —. I do further swear that I will support the constitution of the United States, and will be faithful and bear true allegiance to the United States and the government thereof, and to the State of Maryland, any law or ordinance of any State to the contrary notwithstanding, and that I have never, either directly or indirectly, by word, act or deed, given any aid, comfort or encouragement to those in rebellion against the government of the United States or the lawful authorities thereof; and all this I swear voluntarily, without any, the least, mental equivocation, reservation or qualification whatsoever, so help me God. And if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation, and any person swearing or affirming falsely in the premises, shall, on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State."

Mr. SCOTT had moved the following amendment, to insert after the words "as the case may be," in line 5, the following:

"That I will be faithful and support the constitution and laws of Maryland, and that I will to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of —, and that since the adoption of the present constitution I have not in any manner violated the provisions thereof in relation to bribery of voters, or preventing legal or procuring